



WASHOE COUNTY

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STAFF REPORT BOARD MEETING DATE: October 28, 2014

CM/ACM	<u>§</u>
Finance	<u>IN</u>
DA	<u>✓</u>
Risk Mgt.	<u>✓</u>
HR	<u>N/A</u>
Other	<u>N/A</u>

DATE: October 3, 2014

TO: Board of County Commissioners

FROM: Clara Lawson, P.E., PTOE, Licensed Engineer
Community Services Department, 328-3603, clawson@washoecounty.us

THROUGH: Dwayne Smith, P.E., Division Director, Engineering and Capital Projects
Community Services Department, 328-2043, desmith@washoecounty.us

SUBJECT: Approve an Interlocal Agreement Regarding Regional Road Impact Fees Pursuant to NRS Chapter 277 and Chapter 278B between Washoe County, the Cities of Reno and Sparks and the Regional Transportation Commission for the continuation of the Regional Road Impact Fee Program.
(All Commission Districts.)

SUMMARY

Authorization for the Chairman to execute the Interlocal Agreement (see Attachment A) that will allow Washoe County, the Cities of Reno and Sparks and the Regional Transportation Commission (RTC) to continue to operate a regional road impact fee program. The previous Agreement has expired; the new Agreement will allow for the continuation of the Regional Road Impact Fee Program (RRIF) for an initial term of ten years from the date the last party executes the contract, and providing for automatic renewal each successive year. The language has been updated to reflect this as an on-going program with the removal of references to its initial implementation. The Agreement sets forth the responsibilities of the County, the Cities and the RTC in order to operate the impact fee program.

Washoe County Strategic Objective supported by this item: Sustainability of our financial, social and natural resources.

PREVIOUS ACTION

On October 10, 1995, the Board of County Commissioners approved an Interlocal Cooperative Agreement with the Cities of Reno and Sparks and RTC for the operation of a regional road impact fee program.

AGENDA ITEM # 14D2

BACKGROUND

The RRIF Program was implemented in 1996 through the RTC Blue Ribbon Committee as a funding mechanism for capacity improvements projects which are directly related to new development. Nevada Revised Statutes (NRS 278B) allows the imposition of such a fee. An impact fee is defined as:

“A charge imposed by a local government on new development to finance the costs of a capital improvement or facility expansion necessitated by and attributable to the new development.”

In our area, RRIF are collected from new development for their proportional share of the needed road capacity improvements caused by the new development. The general public picks up the remaining share of the costs for improvements through other public funding sources. The Cities of Reno and Sparks and Washoe County have each implemented a RRIF ordinance to fund roadway capacity improvements. The RRIF ICA will allow the local jurisdictions and RTC to continue to operate a regional road impact fee program.

FISCAL IMPACT

There is no fiscal impact associated with this item.

RECOMMENDATION

It is recommended the Board of County Commissioners approve an Interlocal Agreement Regarding Regional Road Impact Fees Pursuant to NRS Chapter 277 and Chapter 278B between Washoe County, the Cities of Reno and Sparks and the Regional Transportation Commission for the continuation of the Regional Road Impact Fee Program.

POSSIBLE MOTION

Should the Board agree with the recommendation, a possible motion would be:

“Move to approve an Interlocal Agreement Regarding Regional Road Impact Fees Pursuant to NRS Chapter 277 and Chapter 278B between Washoe County, the Cities of Reno and Sparks and the Regional Transportation Commission for the continuation of the Regional Road Impact Fee Program.”

**INTERLOCAL AGREEMENT REGARDING REGIONAL ROAD IMPACT FEES
PURSUANT TO NRS CHAPTER 277 AND CHAPTER 278B.**

This Interlocal Contract Regarding Regional Road Impact Fees ("Agreement") is made and entered into the _____ day of _____, 2014, by and between the Board of County Commissioners of Washoe County, Nevada ("County") the City Council of Reno ("Reno") the City Council of Sparks ("Sparks," and together with the County and Reno, the "local jurisdictions") and the Regional Transportation Commission of Washoe County ("RTC"):

RECITALS

WHEREAS, the County, Sparks, and Reno are political subdivisions of the State of Nevada and are public agencies under NRS 277.100 and local governments under NRS 278B.070;

WHEREAS, if local governments have established a capital improvements advisory committee, designated collector and arterial streets and roads in their master plans, and approved land use assumptions in their service areas, they may impose an impact fee within the a service area to pay, among other costs, the cost of constructing capital improvements or facility expansions, including, without limitation, arterial and collector streets and roads ("Regional Road Projects") necessitated by and attributable to new development under NRS 278B.160 when they adopt a capital improvements plan;

WHEREAS, the County, Sparks, and Reno have established a policy that new development shall bear its proportionate share of the cost of Regional Road Projects;

WHEREAS, the RTC has determined that it is a political subdivision and thus a public agency within NRS 277.100 and is authorized to enter into interlocal contracts pursuant to NRS 277.180;

WHEREAS, the RTC is designated a metropolitan planning organization and has conducted a region-wide transportation study which reveals that new development will increase the demand for region-wide road capacity and that prior studies indicate that revenue generated by new development, without impact fees, will be inadequate to fund the new road capacity to accommodate the new development;

WHEREAS, the objective of the County, Reno, Sparks, and the RTC is to use their powers to efficiently and reasonably provide for Regional Road Projects on a region-wide basis by cooperating in performance of governmental services, activities and undertaking regarding Regional Road Projects which any of the public agencies by entering into an interlocal contract pursuant to NRS 277.180 is authorized to perform;

WHEREAS, pursuant to this Agreement, the County, Reno, and Sparks, and RTC desire to transfer administrative duties to one another with respect to Regional Road Projects;

WHEREAS, the parties had previously entered into an Interlocal Cooperative Agreement with respect to street impact fees which expired on November 28, 2005 ("Previous Agreement").

NOW, THEREFORE, in light of the foregoing Recitals, and the promises and commitments made herein, and for other good and value consideration, the sufficiency of which is hereby acknowledged, it is agreed:

A. Sparks and Reno will:

1. After establishing a capital improvements advisory committee, designating collector and arterial streets and roads in their master plans, approving land use assumptions, and approving a capital improvements plan and proposed impact fee for each service unit, adopt an ordinance requiring all impact fees collected must deposited in an interest-bearing account.
2. Impose and collect an impact fee within their jurisdictions.
3. With respect to Reno only, impose and collect an impact fee within its sphere of influence where it has adopted and certified its master plans for the sphere of influence.
4. Transmit the collected impact fees quarterly to the RTC.
5. Transfer to the RTC the administration of their Regional Road Projects identified in their approved Capital Improvement Plan.
6. Execute offset agreements between the RTC, the local jurisdiction, and one or more developers, which will define the conditions under which RTC and the local jurisdiction agree to own a Regional Road Project built in whole or in part by a developer, after construction and/or dedication and acceptance.
7. Accept dedication of Regional Road Projects constructed in whole or in part by RTC or by a developer in accordance with an offset agreement.
8. Maintain the Regional Road Projects offered for dedication as accepted by Sparks and Reno respectively.

B. The County will:

1. After establishing a capital improvements advisory committee, designating collector and arterial streets and roads in its master plan, approving land use assumptions, and approving a capital improvements plan and proposed impact fee for each service unit, adopt an ordinance requiring all impact fees collected must deposited in an interest-bearing account.
2. Impose and collect an impact fee within its jurisdiction.
3. With respect to development within Reno's sphere of influence only, transfer the responsibility of the collection of the imposed impact fee to Reno within Reno's sphere of influence where Reno has adopted and certified its master plan for the sphere of influence.

4. Transmit the collected impact fees quarterly to the RTC.
5. Transfer to the RTC the administration of its Regional Road Projects identified in its approved Capital Improvement Plan.
6. Execute offset agreements between the RTC, the local jurisdiction, and one or more developers, which will define the conditions under which RTC and the local jurisdiction agree to own a Regional Road Project built in whole or in part by a developer, after construction and/or dedication and acceptance.
7. Accept dedication of Regional Road Projects constructed in whole or in part by RTC or by a developer in accordance with an offset agreement.
8. Maintain the Regional Road Projects offered for dedication as accepted by the County.

C. The RTC will:

1. Administer a region-wide impact fee program regarding collector and arterial streets and roads in accordance with NRS Chapter 278B.
2. Submit the region-wide program to RTC Board of Commissioners for approval.
3. Conduct transportation, independent fee studies, and reviews as necessary and report the results of those studies no less than every two years to the local jurisdictions and the RTC Board of Commissioners.
4. Accept collected impact fees from the local jurisdictions and place them in an interest bearing account and provide for their expenditures as allowed by NRS Chapter 278B and the RTC Board of Commissioners.
5. Consult with the local jurisdictions.
6. Dedicate to the County, Reno, and Sparks any and all property acquired pursuant to the Contract lying within their respective jurisdictions.
7. Execute offset agreements between the RTC, the local jurisdiction, and one or more developers, which will define the conditions under which RTC and the local jurisdiction agree to own a Regional Road Project built in whole or in part by a developer, after construction and/or dedication and acceptance. Hold harmless, indemnify, and defend the County, Sparks, and Reno with respect its administration of the region-wide program including but not limited to the crediting, refunding, and reimbursement of impact fees pursuant to NRS Chapter 278B.

D. Extension of Previous Agreement:

The Previous Agreement shall be deemed to have been extended and to have the subject matter thereof from and including November 28, 2005, through the date when the last party executes this Contract.

E. Termination of Contract:

1. The County, Sparks, and Reno each have authority to terminate its participation in this Contract effective six months after such terminating local jurisdiction gives notice to all other parties in this Contract.

2. The initial term of this Contract shall expire ten years from the date the last party executes this Contract, and shall thereafter automatically renew for successive one (1) year terms unless terminated by any party upon six months' prior written notice to all other parties.

3. The parties may terminate this Contract by mutual agreement among all parties.

APPROVED AS TO LEGALITY AND FORM

BY: _____
RTC LEGAL COUNSEL

REGIONAL TRANSPORTATION COMMISSION OF WASHOE COUNTY

BY: _____
BONNIE WEBER, CHAIRMAN

BOARD OF COMMISSIONERS, WASHOE COUNTY, NEVADA

BY: _____
CHAIRMAN

ATTEST: APPROVED AS TO FORM:

BY: _____
WASHOE COUNTY CLERK

BY: _____
ATTORNEY

CITY COUNCIL OF RENO, NEVADA

BY: _____
MAYOR

APPROVED AS TO FORM:

BY: _____
RENO CITY CLERK

BY: _____
DEPUTY CITY ATTORNEY

CITY COUNCIL OF SPARKS, NEVADA

BY: _____
MAYOR

ATTEST:

APPROVED AS TO FORM:

BY: _____
SPARKS CITY CLERK

BY: _____
CHET ADAMS, CITY ATTORNEY